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IN THE UNITED STATES DISTRICT COURT
6
FOR THE DISTRICT OF ARIZONA
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9 IN RE: Bard IVC Filters Products Liability
10 Litigation,

No. MDL 15-02641-PHX-DGC

11 Sherr-Una Booker, an individual,
12 Plaintiff,

No. CV-16-00474-PHX-DGC

13 v.
14 C. R. Bard, Inc., a New Jersey corporation;
15 and Bard Peripheral Vascular, Inc., an
16 Arizona corporation,
17 Defendants.

ORDER

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19 The parties have submitted a number of deposition excerpts in advance of trial.
20 This order will set forth the Court's ruling on objections contained in those excerpts. The
21 order will identify objections by the number of the deposition page on which they appear.
22 If more than one objection appears on a page, the order will identify the line on which the
23 objection starts. Where an objection is sustained, the order will identify the page and
24 lines that should be omitted.

25 A. Natalie Wong Deposition.

- 26 1. Page 23 – overruled.
27 2. Page 34 – overruled.
28 3. Page 42 – overruled.

- 1 4. Page 58 – overruled.
- 2 5. Page 63 – overruled.
- 3 6. Page 69 – overruled.
- 4 7. Page 70 – overruled.
- 5 8. Page 71 – overruled.
- 6 9. Page 72 – overruled.
- 7 10. Page 73 – overruled.
- 8 11. Page 74 – overruled.

9 12. Page 76:25 to 77:5 – sustained. A Bard engineer’s view of what she would
10 want her doctor to know is not relevant to the question of Bard’s duty to disclose, and the
11 probative value of her lay opinion on this subject is substantially outweighed by the
12 danger of unfair prejudice.

- 13 13. Page 78 – overruled.
- 14 14. Page 79 – overruled.
- 15 15. Page 80:1 – overruled.
- 16 16. Page 80:13 – overruled.
- 17 17. Page 83 – overruled.
- 18 18. Page 84 – overruled.

19 19. Page 85:21 to 87:15 – sustained. The witness lacks personal knowledge
20 regarding the statistics she is being asked about.

21 20. Page 88:2-11 – sustained. The question is not evidence, and the witness did
22 not know the answer.

23 21. Page 89:8-23 – sustained. The question is not evidence.

24 22. Page 90:18 to 91:1 – sustained. The witness lacks personal knowledge
25 regarding the statistics she is being asked about.

26 23. Page 99:21-22 – sustained. The witness lacks personal knowledge
27 regarding the statistics she is being asked about.

28 24. Page 100 – overruled.

- 1 25. Page 101:12-19 – sustained for reasons stated in the objection.
- 2 26. Page 105:12 to 106:14 – sustained for reasons stated in the objection.
- 3 27. Page 106:23 – overruled.
- 4 28. Page 131 – overruled.
- 5 29. Page 132:12-20 – sustained. A Bard engineer’s view of what she would
6 want her doctor to know is not relevant to the question of Bard’s duty to disclose, and the
7 probative value of her lay opinion on this subject is substantially outweighed by the
8 danger of unfair prejudice.
- 9 30. Page 156:10-17 – sustained. The questions are not evidence.
- 10 31. Page 159:20-24 – sustained. A Bard engineer’s view of what she would
11 want her doctor to know is not relevant to the question of Bard’s duty to disclose, and the
12 probative value of her lay opinion on this subject is substantially outweighed by the
13 danger of unfair prejudice.
- 14 32. Page 166:18-23 – sustained. The questions are not evidence.
- 15 33. Page 177:10-14 – sustained. The question is not evidence, and the answer
16 is ambiguous.
- 17 34. Page 178:10-17, 178:21 to 179:2 – sustained. Simply reading the
18 document, and the question is not evidence.
- 19 35. Page 180:25 to 181:3 – sustained. The question is not evidence, and the
20 answer is ambiguous.
- 21 36. Page 185 – overruled.
- 22 37. Page 201 – overruled.
- 23 38. Page 202 – overruled.
- 24 39. All page 206 objections – overruled.
- 25 40. Page 208 – sustained. The questions are not evidence.
- 26 41. Page 209 – overruled.
- 27 42. Page 219:17-20, overruled.
- 28 43. Page 219:21 to 220:3 – sustained. The question is not evidence.

- 1 44. Page 220 – overruled.
- 2 45. Page 231 – overruled.
- 3 46. Pages 232-33 – overruled.
- 4 47. Page 249 – overruled.
- 5 48. Page 251 – overruled.
- 6 49. Page 252 – overruled.
- 7 50. Page 254 – overruled.
- 8 51. Page 257 – overruled.
- 9 52. Page 264 – overruled.
- 10 53. Page 279:3-24 – sustained. The questions are not answers, and the witness's opinion on what would be a "good idea" is not relevant.
- 11
- 12 54. Page 280:19-25 – sustained. 401, 403.
- 13 55. Page 289 – sustained. Cumulative.
- 14 56. Page 290-91 – sustained. Cumulative.
- 15 B. Gin Schultz Deposition.
 - 16 1. Page 24 – overruled.
 - 17 2. Page 72 – overruled.
 - 18 3. Page 105 – overruled.
 - 19 4. Pages 123-27 – overruled
 - 20 5. Pages 130:22-131:7 – sustained. Rule 602.
 - 21 6. Page 147:20 to 149:21 – sustained. Beyond the scope of Plaintiffs' designations.
 - 22
 - 23 7. Page 150 – overruled.
 - 24 8. Page 168 – overruled.
 - 25 9. Page 210 – overruled.
 - 26 10. Page 211 –overruled.
 - 27 11. Page 218 – overruled.
 - 28 12. Page 280:4-9 – sustained. 602.

- 1 13. Page 281:11-17 – sustained. 602.
- 2 14. Page 284:3 to 285:9 – sustained. 602.
- 3 15. Page 328 – sustained. There is no testimony designated
- 4 16. Page 363 – overruled.
- 5 17. Page 389 – overruled.
- 6 18. Page 394 – overruled.
- 7 19. Page 395 – overruled.
- 8 20. Page 406 – overruled.
- 9 21. Page 407 – overruled.
- 10 22. Page 410 – overruled.
- 11 23. Page 412 – overruled.
- 12 24. Page 413 – overruled.
- 13 25. Page 415 – overruled.

14 C. David Ciavarella Deposition.

- 15 1. Page 86 – overruled.
- 16 2. Page 104 – overruled.
- 17 3. Page 106:9-23 – overruled.
- 18 4. Page 106:24 to 107:11 – sustained. Hearsay.
- 19 5. Pages 120, 124-25 – sustained. Foundation.
- 20 6. Page 147 – sustained. Foundation.
- 21 7. Page 169 – The question is not evidence.
- 22 8. Page 175 – overruled.
- 23 9. Page 206 – overruled.
- 24 10. Page 267:16 – overruled.
- 25 11. Page 267:24 – sustained. Include entire question.
- 26 12. Page 292-293 – include all of the designations or none of them.
- 27 13. Pages 357-58 – overruled.
- 28 14. Page 366 – overruled.

- 1 15. Page 369 – overruled.
- 2 16. Page 371:13 to 377:11 – sustained. Foundation, 602.
- 3 D. Doug Uleman Deposition.
 - 4 1. Page 58 – overruled.
 - 5 2. Page 63 – remove lines 13-15.
 - 6 3. Page 67 – overruled.
 - 7 4. Page 70 – overruled.
 - 8 5. Page 166 – remove lines 15-16.
 - 9 6. Page 325 – overruled.
 - 10 7. Page 326 – overruled.
 - 11 8. Page 329:5 – overruled.
 - 12 9. Page 329:22 – overruled.
 - 13 10. Page 332-33 – overruled.
- 14 E. Brian Hudson Deposition.
 - 15 1. Page 47 – overruled.
 - 16 2. Page 95 – overruled.
 - 17 3. Page 98 – overruled.
 - 18 4. Page 116:3 – overruled.
 - 19 5. Page 116:22 – sustained. Relevancy.
 - 20 6. Page 121 – overruled.
 - 21 7. Page 126 – overruled.
 - 22 8. Page 132 – overruled.
 - 23 9. Page 135:2 – overruled.
 - 24 10. Page 135:14 –overruled.
 - 25 11. Page 137 – overruled.
 - 26 12. Page 138 – overruled.
 - 27 13. Page 145 – overruled.
 - 28 14. Page 150 – overruled.

- 1 15. Page 151:1 –overruled.
- 2 16. Page 151:24 – overruled.
- 3 17. Page 154 – overruled.
- 4 18. Page 167 –overruled.
- 5 19. Page 189 – overruled.
- 6 20. Page 192 – overruled.
- 7 21. Page 196 – overruled.
- 8 22. Page 197 – overruled.
- 9 23. Page 198 – overruled.
- 10 24. Page 200 – overruled.
- 11 25. Page 201—overruled.
- 12 26. Page 202 – overruled.
- 13 27. Page 203 – overruled.
- 14 28. Page 204 – overruled.
- 15 29. Page 208 – overruled.
- 16 30. Page 210 – overruled.
- 17 31. Page 213 – overruled.
- 18 32. Page 232 – overruled.
- 19 33. Page 233:7 – overruled.
- 20 34. Page 233:18 to 234:10 – sustained. Foundation, 602.
- 21 35. Page 236 – overruled.
- 22 36. Page 238 – overruled.
- 23 37. Page 245 – overruled.
- 24 38. Page 288:5 – overruled.
- 25 39. Page 288:18 – overruled.
- 26 40. Page 290 – overruled.

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1 F. Janet Hudnall Deposition.

- 2 1. Page 101 (both) – overruled.
3 2. Page 136 – overruled.
4 3. Page 143 – overruled.
5 4. Page 156 – overruled.
6 5. Page 158 – sustained. No question designated.
7 6. Page 187 – not clear if Defendants are objecting, but if so, overruled.
8 7. Page 187:10 – overruled.
9 8. Page 187:24 – sustained. No question designated.
10 9. Page 324 – sustained. Argumentative.
11 10. Page 340 – sustained. The question is not evidence.
12 11. Page 358 – overruled.
13 12. Page 377 – overruled.
14 13. Page 378 – sustained. No question designated.
15 14. Page 380 – overruled.

16 G. Daniel Orms Deposition.

- 17 1. Page 105 – overruled.
18 2. Pages 176-78 – overruled.
19 3. Page 208 – overruled.
20 4. Page 240 – overruled.
21 5. Page 241 – overruled.
22 6. Page 263 – sustained only as to page 264:8-11, relevancy.
23 7. Page 265 – overruled.
24 8. Page 266 – overruled.
25 9. Page 267 – overruled.
26 10. Page 284 – overruled.

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1 11. Page 285 – overruled.
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Dated this 12th day of March, 2018.

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David G. Campbell

David G. Campbell
United States District Judge